

BEFORE THE COPYRIGHT ROYALTY TRIBUNAL

WASHINGTON, D.C.

In the Matter of)
)
1984 Juke-Box Royalty) Docket No. _____
Distribution Proceedings)

STATEMENT PURSUANT TO 37 C.F.R. SECTION 305.4

Asociacion de Compositores y Editores de Musica Latinoamericana ("ACEMLA"), having duly filed a claim of entitlement pursuant to 37 C.F.R. Sections 305.2, 305.3, submits this Statement pursuant to 37 C.F.R. Section 305.4 in justification of the claim.

1. ACEMLA is a performing rights society with offices at 214 West 96th Street, New York, New York.

2. ACEMLA owns or administers more than 50,000 copyrights of traditional and popular Spanish language songs. See copy of two sample catalogues of copyrights which have previously been submitted to the Copyright Tribunal.

3. In a study entitled "U.S. Hispanic Market 1984" (Strategy Research Corporation, 100 Northwest 37th Avenue, Miami, Florida 33125, 1984) the United States' Hispanic population was found to have increased 20.5% from 14.6 million to 17.6 million in the five years from the 1980 census. In 1985, the U.S. Hispanic population is projected to be 17.6% of the total United States population.

4. A study undertaken by Disco CBS International as cited in Music Video Retailer, New York, New York, January 1983, page 22, indicates that Hispanics are heavier record buyers than Anglos. "Of the 20 records and tapes Hispanic buys a year according to the study, 16 are of Spanish music." Id. This greater participation by Hispanics in the general record market can certainly translate into a greater participation by Hispanics in the use of jukeboxes.

5. In an article entitled Spanish Speaking Market on the Move, "largest ethnic group in the United States", 17-22 the authors, in noting total U.S. Hispanic sales at 125 million in 1981, found that the Spanish audience exhibits a "a fierce allegiance to the music of its homeland." These findings had great support to claimant's position since claimant's principal area is a traditional and popular music with a significant source of copyrights coming from Latin America.

6. Inasmuch as obtaining detailed studies or other empirical data on a national basis would be prohibitively expensive and unduly burdensome to small performing rights societies, and, if required, would unfairly exclude them from a rightful share of the royalties, the Tribunal should endeavor to establish a method analysis which would facilitate the distribution of royalties which is one of its stated purposes. Absent such a method, ACEMLA herein shall show that it was the owner or administer of a significant number of copyrights of

top hits in the large U.S. Hispanic market and are, therefore, necessarily entitled to a share of the jukebox royalties. Further, raw data underlying the limited non-scientific jukebox study submitted by ASCAP in the consolidated 1982 and 1983 Jukebox Royalty Fund proceeding reveals, to an limited extent, the strength of ACEMLA's catalogue in U.S. jukeboxes.

7. Throughout 1984 a significant number of "hits" whose copyrights were owned or administered by ACEMLA appeared in trade charts both in the 45 rpm or LP form. These trade charts reflect the major songs in the United States Hispanic market.

8. ACEMLA respectfully requests leave to supplement the instant claim of entitlement to submit documentation supportive of ACEMLA's above-stated claims. ACEMLA requests 15 days in which to supply the supporting documentation.

9. In view of the large U.S. Hispanic market which cannot be ignored and claimant's substantial participation in traditional and popular area of Hispanic music, an award of 10% of the 1984 Jukebox Royalty Fund is appropriate.

WHEREFORE, it is respectfully requested that ACEMLA be entitled to 10% of the 1984 Jukebox Royalty Fund or such other share as to the Copyright Royalty Tribunal seems fair and equitable.

Respectfully submitted,

ASOCIACION de COMPOSITORES y EDITORES
de MUSICA LATINOAMERICANA

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November 5, 1985

By 
Bruce A. Eisen

By 
Allan G. Moskowitz

Its Attorneys

CERTIFICATE OF SERVICE

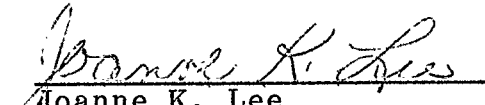
I, Joanne K. Lee, a secretary in the law firm of Shrinsky, Weitzman & Eisen, P.C., do hereby certify that on this 5th day of November, 1985, I sent a copy of ACEMLA's "Statement Pursuant to 37 C.F.R. Section 305.4", via United States first class mail, postage prepaid, to each of the following:

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November 5, 1985

HAND DELIVERED

Mr. Edward W. Ray
Acting Chairman
Copyright Royalty Tribunal
1111 20th Street, N.W.
Suite 450
Washington, D.C. 20036

Re: 1984 Juke-Box Royalty Distribution Proceedings
Docket No. _____

Dear Chairman Ray:

On behalf of Asociacion de Compositores y Editores de Musica Latinoamericana, we are filing herewith, an original and five copies of its "Statement Pursuant to 37 C.F.R. Section 305.4" with respect to the above-captioned proceeding.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

SHRINSKY, WEITZMAN & EISEN, P.C.

By 
Allan G. Moskowitz

Enclosures